

CHAPTER 3 EXAMINATION

193F—3.1(543D) Types of appraiser certificates. There are two types of appraiser certificates:

1. Certified residential real property appraiser certificate, which classification shall consist of those persons who meet the requirements of 193F—5.1(543D).

2. Certified general real property appraiser certificate, which classification shall consist of those persons who meet the requirements of 193F—6.1(543D).

In addition, the board registers persons who meet the requirements of an associate real property appraiser pursuant to 193F—4.1(543D).

193F—3.2(543D) Examinations. Examinations for certified residential real property appraisers and certified general real property appraisers shall be AQB-endorsed and administered by the board or its authorized representative as often as the board deems necessary, but not less than one time per year.

3.2(1) Disclosure of confidential information. Members of the board shall not disclose a final examination score to any person other than the person who took the examination. Persons who take the examination may consent to the publication of their names on a list of passing candidates.

Other information relating to the examination results, including the specific grades by subject matter, shall be given only to the person who took the examination, except that the board may:

- a. Disclose the specific grades by subject matter to the regulatory authority of any other state or foreign country in connection with the candidate's application for a reciprocal certificate or license from the other state or foreign country, but only if requested by the candidate.

- b. Disclose the specific grades by subject matter to educational institutions, professional organizations, or others who have a legitimate interest in the information provided in conjunction with the scores.

3.2(2) The board shall enter into a contractual relationship with a qualified testing service to develop and administer AQB-endorsed examinations and shall maintain control over the examination process.

3.2(3) Any contract to implement subrule 3.2(2) shall require the testing service to:

- a. Update the examination on a continual basis;
- b. Ensure that the examinations are related to appraiser classifications;
- c. Adequately inform applicants of the procedures and requirements for taking the examinations; and
- d. Prepare and administer the examinations.

Failure to meet these requirements may be cause for cancellation of any contractual relationship, and such failures, if any, shall be determined solely by the board.

3.2(4) An applicant will not become eligible to apply for certification until the applicant has passed the examination approved by the board and complied with the appropriate experience requirement.

3.2(5) If an applicant who has passed an examination does not obtain the related appraiser credential within 24 months of passing the examination, that examination result loses its validity to support issuing an appraiser credential. To regain eligibility for the credential, the applicant must retake and pass the examination. This requirement applies to individuals obtaining an initial certified credential or upgrading from a lower-level credential to either the certified residential or certified general classification.

193F—3.3(543D) Conduct of applicant.

3.3(1) Any individual who subverts or attempts to subvert the examination process may, at the discretion of the board, have the individual's examination scores declared invalid for the purpose of certification in Iowa, be barred from the appraisal certification examinations in Iowa, or be subject to the imposition of other sanctions that the board deems appropriate.

3.3(2) Conduct that subverts or attempts to subvert the examination process includes, but is not limited to:

a. Conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the examination; aiding by any means in the reproduction or reconstruction of any portion of the examination; selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered examination.

b. Conduct that violates the standard of test administration, such as communicating with any other examination candidate during the administration of the examination; copying answers from another candidate or permitting one's answers to be copied by another candidate during the examination; referencing any books, notes, written or printed materials or data of any kind, other than the examination materials distributed.

c. Conduct that violates the examination process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination; impersonating an examination candidate or having an impersonator take the examination on one's behalf.

3.3(3) Any examination candidate who challenges a decision of the board under this rule may request a contested case hearing pursuant to 193—7.39(546,272C). The request for hearing shall be in writing, shall briefly describe the basis for the challenge, and shall be filed in the board's office within 30 days of the date of the board decision that is being challenged.

193F—3.4(543D) Application for certification. Applicants for certification or associate registration must successfully complete the appropriate examination.

3.4(1) All initial applications for certification or associate registration shall be made on forms provided by the board.

3.4(2) A certificate or associate registration shall contain the applicant's name, appraiser classification, Iowa certificate number and the signature of the board chairperson and vice chairperson.

3.4(3) An initial certificate shall not be issued until the applicant has demonstrated real property appraiser experience complying with Iowa Code section 543D.9 and rules 193F—5.2(543D) and 193F—6.2(543D).

3.4(4) There is no time limit within which qualifying education credit must be obtained; however, if the coursework is over five years old from the date of application, the applicant may be required to provide a brief description of the course as well as documentation of completion.

193F—3.5(543D) Work product review.

3.5(1) As a condition of original or upgrade certification, all applicants shall submit to the board three appraisals dated within six months prior to submission. The fee for processing review of the appraisals is provided in 193F—Chapter 12.

3.5(2) The applicant may select the appraisals to be submitted to the board. The applicant should submit appraisals that the applicant believes are of good quality, compliant with all applicable appraisal standards, and representative of the applicant's work product. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant's competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant's work product. Such additional appraisals may be selected at random from the applicant's log or may be selected specifically to provide an example of the applicant's work product regarding a particular type of appraisal.

3.5(3) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if they are prepared based on factual information in the same manner as applicable to actual appraisal assignments and clearly marked as demonstration appraisals.

3.5(4) At least two of the appraisals must be nonresidential appraisals if the applicant is seeking original or upgrade certification as a certified general real estate appraiser.

3.5(5) The board, or a committee of the board, will evaluate the submitted work product for facial compliance with applicable appraisal standards. The board may submit one or more of the appraisals to a peer review consultant for an opinion on the appraiser's compliance with applicable appraisal standards. In most instances, the board expects the work product evaluation process to take no longer than 30 calendar days. The applicant will be notified if the evaluation process may take longer than 30 days.

3.5(6) The work product evaluation process is not intended as an endorsement of an applicant's work product. No applicant or licensee shall represent the results of work product evaluation in communications with a client or in marketing to potential clients in a manner which falsely portrays the board's work product review as an endorsement of the appraiser or the appraiser's work product. Failure to comply with this prohibition may be grounds for discipline as a practice harmful or detrimental to the public.

3.5(7) The board views work product review, in part, as an educational process. While the board may deny an application based on an applicant's failure to adhere to appraisal standards or otherwise demonstrate a level of competency upon which the public interest can be protected, the board will attempt to work with applicants deemed in need of remedial assistance to arrive at a mutually agreeable plan. A remedial plan may include additional education, desk review, a mentoring program, or additional precertification experience.

3.5(8) An applicant who is denied licensure based on the work product review described in this rule, or on any other ground, shall be entitled to a contested case hearing as provided in 193—7.39(546,272C). Notice of license denial shall specify the grounds for denial, which may include any of the work performance-related grounds for discipline against a certified appraiser.

3.5(9) If probable cause exists, the board may open a disciplinary investigation against a licensee based on the work product review of an applicant. A potential disciplinary action could arise, for example, if the applicant is a certified residential real estate appraiser seeking an upgrade to a certified general real estate appraiser, or where the applicant is uncertified and is working under the supervision of a certified real estate appraiser who cosigned the appraisal report.

3.5(10) After accumulating a minimum of 500 hours of appraisal experience, a trainee may voluntarily submit work product to the board to be reviewed by a peer reviewer for educational purposes only. A maximum of three reports may be submitted for review during the experience portion of the certification process. A fee of \$50 per review will be charged.

3.5(11) Work product submitted in the work product review process shall be retained by the board for a period of 60 days following the issuance of the certificate requested by the applicant. The applicant may retrieve the work product through personal appearance at the board office or may make arrangements for the return of the work product to the applicant at the applicant's expense. If such arrangements are not made within 60 days of the date the certificate is issued, the board may dispose of the work product. This rule shall only apply if the applicant is issued the certificate requested in the application. If the application is deferred or denied, the board shall retain the work product for a period of at least five years from the date the application was deferred or denied. If an applicant withdraws an application from the board's consideration, the board shall retain the work product for a period of 60 days following withdrawal to provide the applicant the opportunity to personally retrieve the work product at the board office or otherwise arrange for the return of the work product to the applicant at the applicant's expense. The board reserves the right to retain copies of all work product submitted by any applicant.

These rules are intended to implement Iowa Code section 543D.8.

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